

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT,)
in his capacity as the)
TRUSTEE FOR NATURAL RESOURCES)
FOR THE STATE OF OKLAHOMA,)
Plaintiff,)
vs.) 4:05-CV-00329-TCK-SAJ
TYSON FOODS, INC., et al,)
Defendants.)

VOLUME I OF THE VIDEOTAPED
30(b)(6) DEPOSITION OF TIM ALSUP, produced as a
witness on behalf of the Plaintiff in the above
styled and numbered cause, taken on the 24th day of
June, 2008, in the City of Tulsa, County of Tulsa,
State of Oklahoma, before me, Lisa A. Steinmeyer, a
Certified Shorthand Reporter, duly certified under
and by virtue of the laws of the State of Oklahoma.

Exhibit 35

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1 was some standards set out for maybe what proper
2 housing was, and I think it had to do with
3 equipment, insulation, stoves, things of that
4 matter.

5 Q And you say at one time there were standards. 10:01AM
6 Do you know what time roughly we would be -- that
7 this live production service manual that we're
8 looking at, Exhibit 27 would have come into being
9 and use?

10 A It looks like it would have been in use in the 10:01AM
11 '90's.

12 Q Okay. Going to the next page, 142602, which
13 is the second page of the document, standards for
14 proper house preparation 2A, it says wet and cake
15 litter removed; do you see that? 10:02AM

16 A Yes, sir.

17 Q All right, and that's something that Cargill
18 would expect to occur. Is that what I understand
19 this to tell us?

20 A It is a practice to remove the cake litter, 10:02AM
21 caked litter.

22 Q Okay, and go to the next page, which is Page 3
23 of the document, Item C1. It says under litter
24 management, wet and caked litter should be removed
25 when recommended by supervisor. Do you see that? 10:02AM

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1 A Yes, sir.

2 Q All right, and the supervisor it's referring
3 to here would be the flock supervisor; correct?

4 A Yes, sir.

5 Q All right. The next page in this document, 10:02AM
6 it's Page 142604. This says Class B housing
7 standards. So do I understand that there are --
8 this says improper housing. Do you understand what
9 that is telling us in this manual?

10 A If they did not meet the requirements for the 10:03AM
11 Class A housing, it would have been put into this
12 category.

13 Q All right. So then these are criteria then
14 that need to be accomplished in order to have a
15 Class B housing; is that what I understand? 10:03AM

16 A Yes, sir.

17 Q Whose responsibility is it to communicate
18 the -- whether a grower has houses that qualify
19 under the Class A or Class B housing requirements?

20 A That -- I don't believe that is being used, 10:04AM
21 but at that time in the '90's, it would have been
22 the flock supervisor and the grow-out manager,
23 production manager.

24 Q Look at the next page, 142605. Are you there?
25 House preparation and sanitation of brooder house. 10:04AM

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1 A Yes, sir.

2 Q Tell the court what a brooder house is.

3 A A brooder house is the house that baby turkeys

4 or poults are delivered to. They -- it's not like

5 chickens where they go to all the houses. They go 10:04AM

6 to a specific house.

7 Q Okay, and Item 4 of this particular page, it

8 says in the second sentence of that paragraph, if

9 there has been no health problems with previous

10 flock, litter may be reused, but consult your flock 10:05AM

11 supervisor on what should be done before any is

12 removed. Is that still the condition or did that

13 continue to be a condition for Cargill growers?

14 MR. WALKER: Object to the form.

15 A The brooder -- the litter in the brooder house 10:05AM

16 is now used in the grow-out. It's just -- the birds

17 are real small in a brooder house, so it's mainly

18 just shavings. So looks like at this time they were

19 even reusing it because it was still mainly shavings

20 but -- 10:05AM

21 Q I'm sorry. Go ahead.

22 A But now that litter is -- that bedding and

23 litter material is used in the grow-out house.

24 Q Understanding that, though, this says he

25 should consult to the flock supervisor when it's 10:05AM

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1 removed; will you agree with that?

2 A Yes, it does say that.

3 Q We need to stop and change our tape and take a
4 break.

5 VIDEOGRAPHER: We're now off the Record. 10:06AM
6 We're off at 10:05 a.m.

7 (Following a short recess at 10:06
8 a.m., proceedings continued on the Record at 10:10
9 a.m.)

10 VIDEOGRAPHER: We are back on the Record. 10:10AM
11 The time is 10:10 a.m.

12 Q Mr. Alsup, you may close that one, and I'll
13 hand you a new exhibit, No. 28. It's a turkey
14 management handbook, Cargill live production team,
15 Springdale, dated 1990 to '91, and it starts at 10:11AM
16 Bates number 229516. Is this the grow-out
17 management manual that is provided to growers that
18 you referred to earlier in your testimony?

19 A This is -- this would have been given to them,
20 yes. 10:11AM

21 Q Okay. Do you know how long this particular
22 version was used by Cargill?

23 A No, sir.

24 Q Do you know whether or not this particular
25 version that we're looking at has been since revised 10:12AM

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1 Q All right. So I said service tech. Is that
2 what you also know to be a similar name for a flock
3 supervisor?

4 A Yes, sir.

5 Q All right, and I apologize for using a 10:16AM
6 different one, but it seems to be interchangeable
7 from what I'm understanding, but even though they
8 may prepare it, is it expected that the flock
9 supervisor have a working knowledge of the grower
10 manual that's provided to its growers? 10:16AM

11 A They do have a working knowledge.

12 Q Look at page Bates number 229541. It's Page
13 26 of the actual document. This has a revision date
14 it looks like coded at the bottom October 1, 1990.
15 Do you see that? 10:17AM

16 A Yes, sir.

17 Q All right, and in Paragraph B of this
18 particular page, it says remove and spread all caked
19 litter from house, and then it also says in the
20 parenthesis there, do not pile outside of house 10:17AM
21 unless 100 feet away from the house or houses and
22 coughed to prevent groundwater contamination from
23 rain runoff; do you see that?

24 A Yes, sir.

25 Q All right. Can you tell me why Cargill would 10:17AM

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1 require the pile to be 100 feet away from the
2 houses?

3 A Biosecurity.

4 Q All right, and the biosecurity is to protect
5 birds?

10:17AM

6 A Bird health.

7 Q Okay. It's not there to protect humans also?

8 A No. It's bird health.

9 Q Okay, and when it says it's to be covered to
10 prevent groundwater contamination from rain runoff,
11 what is that attempting to tell the grower; what do
12 you understand that to mean?

10:17AM

13 A At that time there was some nitrogen concerns,
14 and my terminology that was given to me at the time
15 was Blue Baby. If nitrates got in the well water,
16 it could cause a condition called Blue Baby, and I
17 don't know about that, but that would have been to
18 address -- I think that Blue Baby thing started with
19 commercial fertilizer and crops, but litter does
20 have nitrates in it, so there was a some -- there
21 may even have been some studies going on or federal
22 and state and local governments were looking at it,
23 but that's what that's addressing.

10:18AM

10:18AM

24 Q Were flock supervisors then advised to watch
25 for these particular instructions and see that

10:18AM

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1 Q And when you say them, are you talking about
2 the grower or the banker?

3 A We give it to the grower but -- the future --
4 the possible future grower, but they need something
5 to go to the bank with.

10:25AM

6 Q All right. In order to help secure financing
7 to build and have a grow-out facility?

8 A Yes, sir.

9 Q Or a growing facility?

10 A Yes, sir.

10:25AM

11 Q All right. Let's go back now, if you would,
12 to near the front of the document at 144352. It has
13 selecting turkey house site. What is the reason
14 under Provision B that no greater than 50 road miles
15 from Cargill feed mill; what is the reason for that?

10:25AM

16 A At that time I believe in '02 Cargill had that
17 distance from the mill setup, that we really didn't
18 want to go beyond 50 miles from the mill.

19 Q Is that specification different today for the
20 LLC?

10:25AM

21 A Yes, sir.

22 Q What is it today?

23 A I don't know if there's a specific. We have
24 farms further than that now.

25 Q And when you have a new farm come online, do

10:26AM

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Exhibit 35

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1 Q Let me ask it this way then: How are the
2 records created that shows the total number of birds
3 that are in fact produced by Cargill; how does that
4 start to get into the computer?

5 MR. WALKER: Object to the form. 09:57AM

6 A When a flock is placed, I believe the flock is
7 given a number, and when given a number, for lack of
8 a better -- I'm not an accountant -- an account is
9 set up, and as that flock is grown, as it receives
10 feed or whatever that flock receives, it goes into 09:57AM
11 that account. Is that what you're talking about?

12 Q Now, who determines how many -- who counts the
13 birds that are placed?

14 A Who counts them?

15 Q How does the computer know the number of birds 09:57AM
16 placed without somebody putting it in there?

17 A It's entered.

18 Q And that's my question. Who determines the
19 amount of birds?

20 A The -- well, every flock -- every contractor 09:57AM
21 has a contract that states the amount of birds that
22 we're going to place, and then as they come up for
23 placement and it's their turn, they get put on a
24 placement schedule.

25 Q Let me ask my question again. How do you know 09:58AM